

**Addendum to Section 2, Small Municipal Separate Storm Sewer System (MS4)
Annual Report**

Section 2.B. Please attach the determination off the effect of the MS4 discharges on state or federally listed species per sub-part 3.2.1

Evaluation Procedure

Criterion A: No state or federally listed species or critical habitat are in proximity to your MS4 or the point where authorized discharges reach the receiving water; or

Criterion B: The MS4 has evaluated the effects of its stormwater discharges, allowable non-stormwater discharges and discharge-related activities on state and federally listed species and critical habitat and do not have reason to believe the discharge and/or discharge-related activities will jeopardize the continued existence of any state or federally listed species or result in the adverse modification or destruction of critical habitat.

Criterion C. Stormwater discharges, allowable non-stormwater discharges and/or discharge-related activities from the MS4 were already addressed in another operator's certificate of eligibility included with the MS4's activities. By certifying elibility, the MS4 agrees to comply with any measures or controls upon which the operator's certification was based.

Criteria A and C do not apply to the Hamilton County Water Quality Program. Therefore, Criterion B has been used as the evaluation procedure. The process is described below:

The Program utilizes information provided by the Natural Heritage Program (TNHP) of the Tennessee Department of Environment and Conservation in two formats as well as Notices of Coverage (NOC) issued by the Division

- a. The USGS 12-digit HUC watershed listing by County to annually review the presence of invertebrate and vertebrate animals in the Program Area subwatersheds;**
- b. The electronic data provided by the TNHP's Element Occurrence Records to determine potential impacts to rare species from construction projects. A Data Use Agreement is in place between the TNHP and the Program.**
- c. A review of each NOC's "likely presence" items for each NOC the Program reviews during the plans review process for issuing land disturbing permits.**
- d. The Program has begun to request that the submitting engineer/permit applicant provide information regarding the presence of threatened or endangered species in the receiving stream of the construction project for which a land disturbing permit is being requested.**

- e. **The Program has begun to expand the process to include discussions with the U.S. Fish and Wildlife Service for an evaluation of the impacts that discharges may have on state or federally listed species or critical habitat. These discussions were begun during September 2011 as a result of concern that the existing procedure(s) needed improvement.**

Based on the process using the data listed in Items a-d above, the Program has reason to believe that discharges and/or discharge-related activities will not jeopardize the continued existence of any state or federally listed species or result in adverse modifications or destruction of critical habitat.

**Timothy McDonald
Program Manager**

September 29, 2011

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